

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Leroi Archer,
Plaintiff,
v.
Woodrel, Inc.,
Defendant.

Case No.: 2:14-cv-622-JAD-VCF

**Order Denying Without Prejudice
Plaintiff's Motion for Default
Judgment [Doc. 9]**

Leroi Archer sued Woodrel, Inc. on April 22, 2014. Doc. 1. Woodrel failed to plead or otherwise respond within the time required by the Federal Rules of Civil Procedure, and the Clerk of Court entered default against Woodrel. Docs. 6, 7, 8. Archer now moves for a default judgment against Woodrel. Doc. 9. His motion recites undisputed facts, outlines Woodrel's alleged FDCPA and NRS violations, and discusses the damages Archer believes he is entitled to. Doc. 9. And Archer attaches an affidavit from Kimberly J. Cooper, Archer's attorney of record, who details the attorney's fees Archer has incurred. Doc. 9-1.

When considering whether to enter a default judgment, a district court in the Ninth Circuit considers the seven factors outlined in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986): (1) potential prejudice to the plaintiff; (2) the merits of the plaintiff's substantive claim; (3) the sufficiency of the complaint; (4) the amount of money at stake in the action; (5) the potential disputes as to material facts; (6) whether the default was due to excusable neglect; and (7) the strong federal policy favoring adjudications on the merits. Archer's motion fails to reference this controlling authority, let alone apply the *Eitel* factors to this case. I therefore deny his motion without prejudice to Archer's filing of a renewed motion with a properly supported discussion of why the *Eitel* factors justify the entry of the default judgment he now seeks.

Conclusion

Accordingly, IT IS HEREBY ORDERED that Archer's Motion for Entry of Default Judgment **[Doc. 9]** is **DENIED WITHOUT PREJUDICE**.

DATED: January 22, 2015.



Jennifer A. Dorsey
United States District Judge